

MAR 16 2017

Edwards,Michelle

From: Felling,Darrell
Sent: Thursday, March 16, 2017 12:17 PM
To: Nation,Todd
Cc: Edwards,Michelle; Bennett,Duke A; Auler,Amy; Elliott,Earl; Nasser,Karrum; Garrison,Neil; Crossen,Martha; Azar, George; Morris,Don; DeBaun,Curtis
Subject: RE: Rezoning IP site for new jail

CITY CLERK

Councilman Nation,

While I respect your interpretation of the city's zoning ordinance, I think it is important to note that my office cannot draft any paperwork on behalf of a third party for the purpose of a rezoning. It is the responsibility of a petitioner to present a proposal, if so desired, to the council for final determination. The role of my office as legal representative for the council is to provide an opinion as to the legality of any proposed petition from a third party. If, as suggested, I were to draft a petition for rezoning, I would be unable to effectively advise the council due to my representation of the third party petitioner and the council as a whole. This potential conflict of interest could, however, be avoided through alternative means.

As you are aware I have met and will continue to meet with representatives from the county, specifically Michael Wright, to review potential avenues which may resolve this matter. These meetings have and will continue to allow for legal arguments to be presented and resolved with ample time for both parties to adequately prepare. I am hopeful that through these continued interactions, the county will be in a better position to more effectively make a proposal, if any, to the council regarding the rezoning of the IP property.

As always, please feel free to reach out to me with any questions or concerns regarding this matter.

Sincerely,

Darrell "Eddie" Felling II
City Attorney
City of Terre Haute Legal Department
812-244-2373

-----Original Message-----

From: Todd Nation [<mailto:booknation@gmail.com>]
Sent: Thursday, March 16, 2017 9:45 AM
To: Felling,Darrell
Cc: Auler,Amy; Elliott,Earl; Karrum Nasser; Garrison,Neil; Crossen,Martha; Azar, George; Morris,Don; DeBaun,Curtis; Edwards,Michelle
Subject: Rezoning IP site for new jail

Hi Eddie,

Please prepare the paperwork to have the International Paper site rezoned for a new Vigo County Jail. I will be the City Council sponsor.

I have served as a volunteer, appointed Area Planning Commissioner for seven of the last 21 years. In that capacity, I have participated in many discussions and tough decisions involving zoning proposals. Please don't undermine the work and credibility of our admittedly

imperfect system by trying to steer this proposal around requirements that it be properly zoned for its proposed use.

The uses permitted in the Penitentiary zoning classification are clearly stated in Section 10-252b of our current City Code. There, under "Uses Permitted", it states "Facilities for incarceration of persons ordered detained by local, state or federal officials". This is clearly the principal use of the proposed jail. It doesn't matter if it is called a jail or a penitentiary – the critical thing is it is being used to house prisoners.

The proposed International Paper site is zoned M2, and there isn't anything allowed in M2 that sounds like a jail or a penitentiary. When our current City Code contains a category which is so clearly intended to include jails as the Penitentiary category, it is disingenuous to try to fit it into something else.

Please contact me if you have questions about this request to prepare a rezoning petition.

See you soon,

Todd Nation
City Councilman, 4th District